GOVERNMENT OF INDIA
PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:5514
ANSWERED ON:16.05.2007
PREVENTION OF CORRUPTION ACT
Owaisi Shri Asaduddin

Will the Minister of PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether the Hon`ble Supreme Court has recently ordered that the investigating agencies do not need the prior sanction to execute prosecution;

(b) if so, the details thereof;

(c) whether the Group of Ministers has agreed to the proposal to amend section 19 of the Prevention of Corruption Act (PCA) to widen the ambit of protection to the retired public servant;

(d) if so, whether this move is likely to adversely affect the investigating agencies;

(e) if not, the rationale behind amending the PCA; and

(f) the steps taken or proposed to be taken by the Government to ensure that cases of corruption in the country are dealt with strictly?

Answer

MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS.(SHRI SURESH PACHOURI)

(a) 8c (b): The Hon`ble Supreme Court has recently held that no sanction under section 19(1) of the Prevention of Corruption Act, 1988 is required for prosecution of a public servant who has ceased to be a public servant and/or is a public servant of different category. No sanction for prosecution is also required under Section 197 of the Cr.P.C. for acts of ommission or commission of a public servant not done in the discharge of official duty.

(c) to (e): Certain proposals to amend the Prevention of Corruption Act, 19K8 are under consideration.

(f): The Government has taken various steps which, inter-alia, include enactment of the Central Vigilance Commission Act, 2003, Annual Action Plan to monitor anti-corruption and vigilance activities of various Ministries/Departments encompassing preventive vigilance, surveillance and detective and punitive deterrent action. As a long-term strategy, the Government endeavors to bring more transparency into the system by various Administrative and legislative measures.